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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,448	07/27/2000	Toshihiko Ouchi	35.G2625	1095

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[REDACTED] EXAMINER

KIM, ELLEN E

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2874

DATE MAILED: 06/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

A/C

<b>Office Action Summary</b>	<b>Application N .</b>	<b>Applicant(s)</b>	
	09/627,448	OUCHI, TOSHIHIKO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ellen E Kim	2874	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 28-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 28-53 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

This is responsive Applicant's argument filed on 4/29/03. Since Examiner does not agree with Applicant's argument, all the rejection made on 1/29/03 is hereby maintained.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 28, 30-34, 38, 39, 41-48, and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swirhun et al [USPAT 5,631,988].

Swirhun et al disclose every aspect of claimed invention [see page 2 in previous Office action mailed on 7/8/02] except for the fixed optical device and the optical transmission means.

It would have been obvious to the ordinary skilled person in the art at the time the invention was made to modify Swirhun et al's device to include the fixed optical device and the optical transmission means for the purpose of the stable optical coupling so that the device can perform higher and stable optical connection between the optical device and the optical transmission means. It is clear that this would improve the Swirhun et al's device.

Claims 29, 37, 40, and 49-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swirhun et al [USPAT 5,631,988].

The rejection is greatly discussed in pages 3-5 in previous Office action mailed on 7/8/02. Again the modification such as the fixed optical device and the optical transmission means in the Swirhun et al' device would have been obvious matter to the ordinary skilled person in the art at

the time the invention was made for the purpose of the stable optical coupling so that the device can perform higher and stable optical connection between the optical device and the optical transmission means

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swirhun et al [USPAT 5,631,988] as applied to claim 28 above, and further in view of Gilliland et al [USPAT 5,774,614].

The rejection is greatly discussed in page 5 in previous Office action mailed on 7/8/02.

***Response to Arguments***

Applicant argues that in Swirhun, et al. reference, if the plurality of optical fibers 135 were fixed to the optoelectrical device, the twenty-pin package would not be detachable, as recited in claims 28, 42-44, and 53.

Examiner does not agree with Applicant's argument. According to *Webster's II, New Riverside University Dictionary*, the definition of "detach" is "to disconnect, separate, to cut off from association with". Therefore, the definition of "detachable" is "separable". It is clear that the twenty-pins are separable from the package 200 and from the whole package. Note that the definition of Applicant's "detachable" is not clearly defined in the claim.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Further references of interest are cited on Form PLO-892, which is attachment to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ellen Kim whose telephone number is (703) 308-4946. The examiner can normally be reached on Monday and Thursday.

Ellen E. Kim  
Primary Examiner  
June 18, 2003/EK

